

## REMARKS

### Claim Rejections

Claims 1, 2, 4, 6, and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Andrews (6,742,185) and further in view of Yen et al. (2005/0025466). Claims 3 and 5 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Andrews and Yen et al. as applied to claims 1, 2, 4, 6 and 7 above, and further in view of Official Notice.

### Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

### Claim Amendments

By this Amendment, Applicant has amended claim 1 of this application to better protect what Applicant regards as the invention by clarifying the features of a "flipping multimedia player." It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The amended claims are directed toward: a ceiling-attached multimedia player, comprising: a base fastened to an inner side of a car top having a bottom edge pivotally coupled with a flipping display device and a housing dock shaped for holding ***a flipping multimedia player configured to selectively pivot both a disk and the flipping multimedia players outwards***, the housing dock having a ***display indentation*** formed in the base, the display indentation being located so that the flipping display device covers the flipping multimedia player when the flipping display device is in a stored

position; wherein: the display device has a display screen on an inner side visible to rear seat passengers of a car when pivoted outwards from the stored position to a viewing position; and the flipping multimedia player is a flattop multimedia player connecting to the display device for playing multimedia programs.

Andrews teaches a multimedia playback system capable of transmitting audio-visual information from the console to the ceiling-mounted display screen by using a wireless transmission device. It is important to note that although this reference and the present invention both relate to in-car multimedia playback systems, they both differ in their respective applications. Namely, a flipping multimedia player holds a media disk and pivots the disk outwards. In comparison, Andrews teaches a standard console disk player having a slot loading mechanism. As a result, the cited reference is not suitable for ceiling-mounted **both the display screen and the CD player 12**. Applicant further notes that the Examiner has admitted that Andrews fails to teach Applicant's recited indentation.

Yen et al. is cited as providing this admitted deficiency. Yen et al. teach a portable display module 120, comprising a screen 122, a multimedia player 110, an upper cover 114 and a snap fastener 124, whereby a user can open the upper cover 114 to insert a CD in the multimedia player 110 to play. It is important to note that although this reference and the present invention both relate to multimedia playback systems, they differ in that the present invention recites a "flipping multimedia player" that **flips the player itself down** to open, while Yen et al. is a conventional hinged-cover multimedia player in which **only the cover, and not the disc, pivots open**. As a result, similar to the slot loading multimedia player of Andrews, the design of Yen et al. would tend to result in the CD falling and being damaged when inserted due to the inherent effects of gravity and car vibrations in a car ceiling mounted multimedia player. It follows that the reference cannot be said to teach: a flipping display device and a housing dock shaped for holding a flipping multimedia player configured to selectively pivot both a disk and the flipping multimedia players outwards, as recited in claim 1.

Applicant further notes that the 2-walled opening of Yen et al. is not an indentation which holds the media device 110. Instead, the fixing base 124 accepts the media device 110. Furthermore, even if the Examiner considers the fixing base 124 to be an indentation, Fig. 1B clearly shows that it is only the media device 110 which is received by the fixing base 124 and not the monitor 122. It follows that the reference cannot be said to teach: the housing dock having a **display indentation** formed in the base, as recited in claim 1.

Official Notice is cited as teaching the elements of claims 3 and 5. Applicant does not necessarily acquiesce to this characterization and notes that, in any event, notes that Official Notice is insufficient to provide the above-noted deficiencies of the primary reference to Andrews.

It follows that even if the teachings of Andrews, Yen et al., and Official Notice were combined, as suggested by the Examiner, the resultant combination does not teach or suggest: a ceiling-attached multimedia player, comprising: a base fastened to an inner side of a car top having a bottom edge pivotally coupled with a flipping display device and a housing dock shaped for holding a flipping multimedia player configured to selectively pivot both a disk and the flipping multimedia players outwards, the housing dock having a display indentation formed in the base, the display indentation being located so that the flipping display device covers the flipping multimedia player when the flipping display device is in a stored position; wherein: the display device has a display screen on an inner side visible to rear seat passengers of a car when pivoted outwards from the stored position to a viewing position; and the flipping multimedia player is a flattop multimedia player connecting to the display device for playing multimedia programs.

On p. 3 of the outstanding Final Office Action, the sole reasoning provided by the Examiner to combine Andrews with Yen et al. is "to improve the variety in application of audio video playing and displaying." In response, Applicant respectfully notes that this generalized rationale is insufficient. Namely, it is a basic principle of U.S. patent law

that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious. The Supreme Court, in *KSR International Co. v. Teleflex Inc. et al.*, 550 U.S. 1, 82 USPQ2d at 1391 (2007), reaffirmed the framework of *Graham v. John Deere Co. of Kansas City* for determining obviousness under 35 U.S.C. 103. In that decision, the Supreme Court stated, at page 2:

In *Graham v. John Deere Co. of Kansas City*, 383 U. S. 1 (1966), the Court set out a framework for applying the statutory language of §103, language itself based on the logic of the earlier decision in *Hotchkiss v. Greenwood*, 11 How. 248 (1851), and its progeny. See 383 U. S., at 15–17. The analysis is objective:

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” *Id.*, at 17–18.

While the sequence of these questions might be reordered in any particular case, the factors continue to define the inquiry that controls. If a court, or patent examiner, conducts this analysis and concludes the claimed subject matter was obvious, the claim is invalid under §103.

The Supreme Court, further explained that:

Often, it will be necessary for a court to look to interrelated

teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit. See *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) ("**[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness**"). KSR at 1396 (*Emphasis Added*).

Applicant submits that the above-presented arguments clearly indicate that the Examiner has failed to provide an "articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" for combining selected elements of Andrews with selected elements of Yen et al. and/or Official Notice. KSR at 1396 (citing *In re Kahn* at 988). Clearly, such a combination is not an acceptable combination under 35 U.S.C. §103. The rejections of Applicant's claims as being rendered by the aforementioned combinations of references under 35 U.S.C. §103 are respectfully traversed.

### **Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested.


It is not believed that the foregoing amendments to claim 1 requires any further searching and/or consideration on the part of the Examiner, since such amendment mainly includes making explicit the features of a "flipping multimedia player" (as previously recited in the claims and defined in, for example, Fig. 7). Thus, the Examiner would have inherently searched this subject matter during the previous consideration of claim 1.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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